

Attorney: Lisa M. Horton (for Petitioner Kendra L. Brenson, Conservator)

Second and Final Account and Report of Conservator and Petition for Its Settlement; for Allowance of Attorney Fees and Costs Advanced; and for Termination of Conservatorship and Discharge of Conservator

			KENDRA L. BRENSON , sister and Successor Conservator of the Person and Estate appointed on 8/2/2007, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Notes:</u> <ul style="list-style-type: none"> Order on First Account Current filed 6/18/2008 waived future accountings in this matter pursuant to Probate Code § 2628. Therefore, the account period of the instant Second and Final Account spans from 4/1/2008 to 6/18/2015. Order Fixing Residence Outside the State of California filed 6/18/2015 authorizes the Conservator to establish the Conservatee's residence in Conroe, Texas. Proof of establishment of the Guardianship (TX term for conservatorship) in the state of Texas was filed as an attachment to the <i>Status Hearing Report</i> on 7/6/2015, and is attached as <i>Exhibit A</i> of the instant final account. Copy of Letters of Guardianship, Montgomery County, Texas, issued to Kendra Brenson was filed on 9/9/2015.
			Account period: 4/1/2008 - 6/18/2015	
Cont. from				
	Aff.Sub.Wit.		Accounting - \$91,628.92	
✓	Verified		Beginning POH - \$91,615.60	
	Inventory		Ending POH - \$37,072.25 (all cash)	
	PTC			
	Not.Cred.		Conservator - waives	
✓	Notice of Hrg		Attorney - \$3,700.00 (per itemization on Exhibit B, for services from 6/11/2014 to 7/20/2015; reduced from \$5,769.50 for 33.20 hours @ \$225.00 and \$65.00 attorney rates per hour;)	
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.		Costs - \$791.50 (for filing fees, reappraisal, exemplified copy, certified copies;)	
	Conf. Screen			
	Letters			
	Duties/Supp		Petitioner prays for an order:	
	Objections		1. Approving, allowing, and settling the Second and Final Account;	
	Video Receipt		2. Approving all acts and transactions of the Conservator relating to the conservatorship as set forth in the account; and	
	CI Report		3. Authorizing the Attorney fees and reimbursement of costs advanced; and	
✓	2620		4. Terminating the conservatorship of the person and estate, and discharging Petitioner as conservator upon filing of receipt of funds from Guardian (conservator) of the estate and an <i>Ex Parte Petition for Final Discharge and Order</i>]	
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LEG
				Reviewed on: 9/4/15
				Updates: 9/9/15
				Recommendation:
				File 1 – Harris

Attorney Koligian, Robert, Jr. (for Petitioner Carol R. Velasquez-Cerda)

Petition for [Successor] Letters of Administration with IAEA

DOD: 11/13/2007		CAROL R. VELASQUEZ-CERDA , daughter, is Petitioner and requests appointment as [Successor] Administrator with Full IAEA authority without bond.	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 10/8/2015 Per Attorney Request Note: Status Hearings were not set by Court at the time of appointment of the Administrator on 2/26/2008. Court will set a status hearing as follows pursuant to Probate Code § 1456.5: <ul style="list-style-type: none"> Thursday, October 15, 2015 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and for filing of the first account and/or petition for final distribution. <ol style="list-style-type: none"> Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 6/26/2008. Need <i>Final Inventory and Appraisal</i>. Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 6/26/2009. Need first and final account, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B). <p align="center">~Please see additional page~</p>	
Cont. from		CORA VELASQUEZ , spouse, was appointed Administrator with Full IAEA authority without bond on 2/26/2008 , and <i>Letters</i> issued on that date. Administrator passed away on 10/21/2014. Petitioner states: <ul style="list-style-type: none"> Subsequent to the time Decedent died on 11/13/2007, there were many issues surrounding both the estate of the Decedent and many issues as to title to certain assets which, at this time, Petitioner believes are resolved; However, immediately prior to the resolution of those issues which precluded the proper completion of the Decedent's probate in this Court, Cora Velasquez, Decedent's surviving spouse who was appointed Administrator, passed away on 10/21/2014; Decedent and his spouse had 6 surviving adult children, all of whom are the sole heirs and they have joined [in this Petition] and waived bond, as the Court can see from the Waivers of Bond attached to the <i>Petition</i>; In addition, all of the surviving children have [signed] a <i>Consent to Appointment of Successor Administrator</i> [filed on 7/30/2015] requesting that the Court appoint Petitioner as successor administrator. 		
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG Reviewed on: 9/4/15 Updates: 9/9/15 Recommendation: File 2 – Velasquez	

NEEDS/PROBLEMS/COMMENTS, continued:

3. *Petition* states that Decedent's son, **EDMOND VELASQUEZ**, died on 1/22/2015. Item 8 of the *Petition* does not but should list any surviving children of **EDMOND VELASQUEZ**, and if any, notice of the petition for appointment of successor administrator must be served to them pursuant to Probate Code §§ 8522(b) and 8110(a). *[Note: Signed Waiver of Bond forms would be required from each surviving child of Edmond Velasquez.]*
4. *Petition* states Decedent and his spouse had 6 surviving adult children, all of whom are the sole heirs of the estate. However, it appears pursuant to Probate Code §§ 6401 and 6402 that they are not the sole heirs, as the heirs of the estate appear to consist of the **ESTATE OF CORA VELASQUEZ**; the Decedent's surviving children, namely **CHRISTINA FRICKE-TREVINO, KATHRYN T. VIGIL, SARAH L. LOPEZ, CAROL R. VELASQUEZ-CERDA, GREGORY C. VELASQUEZ, DERECK L. VELASQUEZ**; and any issue of post-deceased son, **EDMOND VELASQUEZ**.
5. It is unclear whether mandatory-use Judicial Council form DE-142, *Waiver of Bond by Heir of Beneficiary*, is intended to include an attachment page for signatures of multiple heirs. *Waiver of Bond by Heir of Beneficiary* attached to the *Amended Petition* filed 7/30/2015 includes an attached page containing the signatures of 5 of the heirs; the attachment does not include the text of the *Waiver of Bond by Heir of Beneficiary*, although the preceding statement before the signatures states the undersigned persons have read the form and waive bond; additionally, the signatures on the attachment page are not dated by the heirs who signed. Item E of the *Waiver of Bond by Heir of Beneficiary* form refers to "signing this form" but is unclear as to the acceptability of an attachment page to the form, and the form itself does not include a check box indicating continuance on an attachment or additional page, as is typically seen on Judicial Council forms.
6. Need proposed order for appointment of successor administrator. *[Note: Proposed letters submitted by Petitioner have been interlineated to strike the word "amended" as the letters will be "successor" letters of administration, which term also has been interlineated on the proposed letters.]*

Atty Janian, Paulette (for Alice McCoy, Conservator)

Probate Status Hearing Re: Proof of Conservatorship in TN

Age: 25 years		<p>ALICE MCCOY, adoptive mother, was appointed Conservator of the Person on 5/30/2008.</p> <p>Order Fixing Residence Outside the State of California filed 3/10/2015 authorizes the Conservatee's residence to be fixed outside the State of California to Lee County, Harogate, Tennessee, and finds that the conservatorship of the person or its equivalent shall be commenced in the state of new residence no later than 9/1/2015.</p> <p>Declaration Re Transfer of Conservatorship to Tennessee filed 9/3/2015 by Attorney Paulette Janian states:</p> <ul style="list-style-type: none"> The Conservatee, her mother (Conservator), and her father moved to [address omitted] Tennessee; The Conservator filed [case number omitted] in the Probate Court for Claiborne County, Tennessee at Tazewell, and the Court ordered registration of the California Judgment appointing Alice McCoy Conservator of the Person of Tosha Ranae McCoy, and the Court adopted the California Order Appointing Conservator as a valid order of the State of Tennessee; The Tennessee Court further ordered issuance of <i>Letters of Conservatorship</i> by the Claiborne County Chancery Court; Copies of the Tennessee <i>Order for Registration of Foreign Judgment and Letters of Conservatorship</i> filed 8/26/2015, faxed to the Attorney's office by Attorney Sandra E. Cosby, are attached to this Declaration. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p>Copies of the Tennessee <i>Order for Registration of Foreign Judgment and Letters of Conservatorship</i> filed 8/26/2015 are attached to the <i>Declaration Re Transfer of Conservatorship to Tennessee</i> filed 9/3/2015 by Attorney Paulette Janian.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/4/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - McCoy</p>	

Petitioner: Lee B. Hitch (pro per)

Guardian: Karen M. Hitch (pro per)

Petition for Termination of Guardianship

		LEE B. HITCH, father, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition does not state why terminating the guardianship would be in the best interest of the minor. 2. Need Notice of Hearing. 3. Need proof of service of the Notice of Hearing on: a. Karen M. Hitch (guardian) b. Melinda Melton (mother) c. Caitlin Verburg (minor) d. Maternal grandmother (not listed)
		KAREN M. HITCH, paternal grandmother, was appointed guardian on 7/17/08.	
		Please see petition for details.	
Cont. from		Objections to Termination of the Guardianship filed by Guardian, Karen M. Hitch, on 8/28/15	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/4/15
			Updates:
			Recommendation:
			File 4 - Verburg

Status Hearing Re: Filing of the Second Account

Age: 97	<p>DIANE FRATIS, daughter, was appointed as Conservator of the Person and Estate with bond set at \$209,000.00 on 02/17/12. Letters were issued on 03/06/12.</p> <p>Conservator's First Account was approved on 05/22/13. Minute Order from 05/22/13 set this matter for a status hearing regarding filing of the Second Account.</p> <p>Status Report filed 07/07/15 states: the second account current is being finalized at this time. The attorney's paralegal is on vacation for two weeks and was not able to complete the accounting before she left. Further, they have received additional information from the client and are still verifying account balances at this time. The second account should be filed within the next 3-4 weeks. A 60 day continuance is requested.</p> <p>In addition, a Petition for Withdrawal of Funds from a Blocked Account to withdraw additional funds necessary to pay expenses of the conservatee for the next few months was filed on 07/07/15. It is anticipated that additional funds will be released upon the approval of the second account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> Second Account filed 09/08/15 and set for hearing on 10/19/15</p>
Cont. from 041715, 070915		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 09/04/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Fratis</p>		

Attorney: Michael J. Morris (for Petitioner Brandenburger & Davis)

Attorney: Jeffrey L. Wall (for Successor Administrator Gloria Hagopian)

Petition to Determine Heirship and Assignment of Partial Interest in Estate

DOD: 12/6/11		BRANDENBURGER & DAVIS , an heir search company and assignee of a portion of the interests of the paternal intestate heirs, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Petitioner states at the time of her death, Cheryl Smart was a widow and had no children.	1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner is informed and believes that Decedent died intestate.	
<input type="checkbox"/>	Inventory	Petitioner states Decedent was the daughter of Paul Pap and Delores Milano (copy of decedent's birth certificate is attached to the petition).	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Petitioner states the Decedent's father, Paul Papa, apparently split from the Decedent's mother, after which he returned to Louisiana, where he married Jesse May Papa and had a son. The son, Daryl Jesse Papa died without issue. The Decedent had no other siblings.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	The Decedent's father had four siblings all of whom predeceased the Decedent, leaving issue, as outlined in the petition.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Petitioner contends that the Decedent's estate should be divided into 10 equal shares to be divided proportionally between the surviving paternal first cousins and the issue of the predeceased paternal first cousins.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	Petitioner alleges the Paternal Heirs are entitled to inherit the entire estate to the exclusion of the maternal cousins. Petitioner alleges that all of the siblings of Decedent's mother died without issue so the closest maternal heirs of the Decedent are second cousins or more remote heirs.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Please see additional page	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Reviewed by: KT	
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	Reviewed on: 9/8/15
<input type="checkbox"/>	Aff. Posting	Updates:	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA	Recommendation:	
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	File 6 – Smart	
<input type="checkbox"/>			

Wherefore Petitioner prays for an order that the Court determine:

1. That each of the following individuals is entitled to a 10% share of the net distributable assets of the Decedent's estate as first cousins of the Decedent: Mary Cordaro Bonono, Antoinette Cordaro Lucero, John Joseph Cordaro, Jeanne M. Cecola, Russel Anthony Cecola, Antoinette Paula Johnson, Josephine Marie Tuminello Allee.
2. That Phillip Joseph Cecola, Jr., paternal cousin once removed, is entitled to a 10% share of the net distributable assets of the Decedent's estate through his deceased father.
3. That Raymond McFerrin, Theresa McFerrin and Mark Anthony McFerrin, first cousins once removed of the Decedent are each entitled to a 3.33% share of the distributable assets of the Decedent's estate through their predeceased father.
4. That John C. Cordaro, Joseph Allen Cordaro, Michael Anthony Cordaro, Emile Braden Cordaro, Kathy Elena Shafer and July Cordaro Aillet, first cousins once removed of the Decedent are each entitled to a 1.666% share of the distributable assets of the Decedent's estate through their predeceased mother.
5. That Petitioner is entitled to receive 1/3 of the assets distributable to each of the Paternal Heirs pursuant to written assignments.

Objections to Petition to Determine Heirship filed by Successor Administrator Gloria Hagopian on 9/3/15.

Objector states the Heirship Petition alleges that the Decedent was the daughter of Paul Papa and Dolores Milano. That allegation is false as shown by the facts set forth below.

Delores Hagopian states she is the first cousin of Dolores, the predeceased mother of Cheryl Smart. Ms. Hagopian states when she was a young girl, she, along with her sisters were frequently in the home of Dolores and her parents during the 1940s. She personally observed that Dolores was very much in love with a serviceman named "Bill". She never knew Bill's last name. Ms. Hagopian states she saw Dolores and Bill in amorous situations in her parent's living room, and Dolores talked about her love for Bill frequently. While this relationship was ongoing, Dolores became pregnant with Cheryl. It was evident to her, and a logical conclusion, that Bill was the father of Cheryl. Cheryl was still *in utero* when Bill died.

When Dolores was still pregnant with Cheryl, and after Bill died, she stated dating Paul, who was also a serviceman. Ms. Hagopian states she remembers that Paul and Dolores never lived together.

Cheryl was born in 1945. Cheryl was initially Cheryl Papa. Ms. Hagopian states she remembers Dolores saying she wanted Cheryl to have a last name other than Milano, but Dolores also said Cheryl was not Paul's child.

Ms. Hagopain states Dolores stated in her presence that Paul proposed marriage to Dolores and wanted her to go with him to Louisiana. Dolores said she rejected the proposal, because she said she wanted to stay in Fresno. Very shortly after that, Paul returned to Louisiana and Ms. Hagopian never saw him again. Dolores said Paul got married in Louisiana and started a family there.

Please see additional page

Objections continued:

Dolores told Ms. Hagopian that she had to get a job to support herself and Cheryl, because Paul did not provide any support for Cheryl. It is her recollection that Paul never acted as if he were the father of Cheryl.

Ms. Hagopian further recalls that after Paul left the Fresno area, Dolores changed Cheryl's name to Pope, because she said she did not want Cheryl to have Paul's name any more.

Ms. Hagopian states she has no recollection and does not believe that a ceremony of marriage ever took place between Dolores and Paul. Dolores to Ms. Hagopian's recollection never used Papa as a surname.

Wherefore, Gloria Hagopian, as Successor Administrator of the estate and as Objector in this proceeding, prays that this Court order:

1. That Paul Papa was not the father of Decedent.
2. That neither Brandenburger & Davis, nor any of the relatives of Paul Papa, are entitled to any share of the Estate of Cheryl Ann Smart, Deceased.

Points and Authorities in Support of Objection filed on 9/3/15.

7

**Leeanjdra Herrera, Brijido Frank Herrera, Jr., and
Isaiah Andres Sanchez Almaguer, Jr. (GUARD/P) Case No.12CEPR00752**

Atty Herrera, Brijido F. (Pro Per – Father of Leeanjdra and Brijido, Jr. – Petitioner)

Atty Sanchez, Leonardo (Pro Per – Maternal Grandfather – Guardian)

Atty Sanchez, Rosalinda S. (Pro Per – Maternal Grandmother – Guardian)

Petition for Visitation

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition pertains to minors Leeanjdra and Brijido, Jr., only. See Minute Order of 5/12/15 for the most recent visitation order.	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/4/15	
			Updates:	
			Recommendation:	
			File 6 – Herrea & Almaguar	

7

Waiver of First and Final Account and Report of Administrator and Petition for Settlement Thereof; for Allowance of Attorney's Fees for Ordinary and Extraordinary Services and Reimbursement of Advanced Costs; and for Final Distribution

DOD: 11/29/12		DOUGLAS CLEVINGER , Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need order. Local Rule 7.1.1.F.
		Accounting is waived.	
		I&A: \$85,000.00	
		POH: \$58,445.18 cash	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Administrator (Statutory): \$3,845.77	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney (Statutory): \$3,845.77, to be split between Attorney Johnson's current firm (Dowling Aaron) and former firm (Wright & Johnson), \$1,922.89 each.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.	Costs (Wright): \$967.00 (filing, publication, certified copies)	
	Sp.Ntc.		
	Pers.Serv.	Costs (Dowling Aaron): \$2,156.50 (filing, appraisal, publication of report of sale, certified copies, etc.)	
	Conf. Screen		
	Letters		
	Duties/Supp	Attorney Extraordinary (Wright): \$843.75	
	Objections	Attorney Extraordinary (Dowling Aaron): \$3,601.25	
	Video Receipt		
	CI Report	Reserve: \$5,000.00 (for any liabilities including estate fiduciary income tax returns)	
<input checked="" type="checkbox"/>	9202		
	Order	x	
	Aff. Posting	Distribution pursuant to intestate succession:	
	Status Rpt	Douglas Clevenger: \$21,018.48 plus 50% of remaining reserve and any other property discovered, not now known	
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Cindy Nicholls: \$10,421.37 plus 33.34% of remaining reserve and any other property discovered, not now known Brandenburger & Davis: \$10,597.11 plus 16.66% of remaining reserve and any other property discovered, not now known	

Reviewed by: skc
Reviewed on: 9/8/15
Updates:
Recommendation:
File 8 – Fore

Atty
Atty

Kremer, Anton (Pro Per – Trustee – Petitioner) (Formerly represented by Lisa Horton)

Russo, Peter (for Kevin Lee Tracy – Objector/Respondent)

Notice of Motion and Motion for Order to Enforce Settlement Agreement; Memorandum of Points and Authorities; Declaration of Anton R. Kremer; Exhibits A through C

		ANTON KREMER , Trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc. , on 1/14/14.	NEEDS/PROBLEMS/COMMENTS: Continued from 4/30/15, 6/11/15. On 7/20/15, Petitioner filed a supplemental declaration. See additional pages.
Cont. from 043015, 061115, 072315			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	<p>1. Petitioner cites CCP §664.6, which allows the Court to <u>enter judgment</u> on a stipulation for settlement, and to retain jurisdiction for enforcement.</p> <p>Here, the settlement agreement was never brought before the Court for judgment. Rather, the Court was informed of various terms of the settlement by status report of Petitioner's attorney only.</p> <p>Petitioner has now filed this motion to enforce the settlement, with an <u>unsigned</u> agreement attached.</p> <p>The Court may require authority to enforce settlement absent a signed settlement and Court judgment on the settlement itself, or any judgment on the original petition.</p> <p>Otherwise, it appears that the original petition is still outstanding.</p>	
✓	Aff.Mail		w/o
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>On 10/16/14, the Court was advised by Lisa Horton (attorney for Anton Kremer) that an agreement was reached, and the Court set a status hearing re Acceptance of Terms and Conditions of the Proposed Agreement.</p> <p><u>Note:</u> It does not appear that any petition for approval of settlement or signed settlement agreement was ever presented to the Court.</p> <p>On 3/19/15, a Substitution of Attorney was filed that reflects that Anton Kremer is now self-represented.</p> <p>Mr. Kremer concurrently filed this Notice of Motion and Motion for Order to Enforce Settlement Agreement, along with Memorandum of Points and Authorities, requesting a judgment against Kevin L. Tracy requiring him to fulfill the terms of the Settlement Agreement.</p> <p>Attached to the motion is an <u>unsigned</u> settlement agreement, along with various photos and lists of personal property items.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>2. This motion was filed with a fee waiver. Given the circumstances and the apparent recovery of assets pursuant to this action, the \$60 filing fee for this motion may be due.</p>
Reviewed by: skc			
Reviewed on: 9/4/15			
Updates:			
Recommendation:			
File 9 – Zsiba			

Page 2

Petitioner's Memorandum of Points and Authorities states Kevin L. Tracy has failed to fulfill the terms of the 10/15/14 Settlement Agreement which represents a mutually agreed, legally binding, contract. Both parties agreed, on the record, in open court and signed a written agreement covering all issues involved in the pending litigation. Petitioner requests the Court enter a judgment to enforce the settlement agreement pursuant to Code of Civil Procedure § 664.6 which states that if parties stipulate in a writing signed outside the presence of the court or orally before the court for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement, and may retain jurisdiction to enforce the settlement. Additional authority also cited. Petitioner describes various personal property items at issue and asks the Court to enforce the settlement agreement.

On 4/13/15, Kevin Lee Tracy filed Memorandum of Points and Authorities in Opposition to Petitioner's Motion to Enforce Settlement Agreement. Objector states he has fulfilled his end of the settlement agreement. Petitioner alleges that the items were delivered in poor condition. Objector states items were delivered in the condition in which they were found, and made good faith effort to find all items listed and deliver same to Petitioner. See description of circumstances. Attached is an unsigned settlement agreement. Objector respectfully asks the court for dismissal of Petitioner's motion for enforcement.

Supplementary Declaration of Petitioner Anton Kremer filed 7/20/15 states he was the daily caregiver and companion to his mother for more than 10 years. She had her estate plan in place for several years and had never considered altering the arrangements. She intended that everything be divided equally, 25% to each of her three surviving children and 25% to the three children of her deceased daughter. During the last week of August, his mother began withdrawal of Lorazepam, and anti-anxiety medication which she had been prescribed since 1978. This was one of several medical issues for which he had scheduled appointments with her primary care physician. Sometime during the first two weeks of September 2013, Mr. Tracy, after an absence of nearly two years, and Anton Kremer Jr., after not visiting for several months, took possession of her checking account, ATM card, cell phone and vehicle, prohibited her from contacting Petitioner, and denied access. Under their care, she did not keep her medical appointments. She was hospitalized on or about 9/23/13, and her whereabouts and condition kept from Petitioner with the hospital being instructed by Mr. Tracy not to divulge her presence. At this time, Respondent had her sign a new Advance Directive and POA, which he used in an attempt to gain control of her Merrill Edge securities account on 9/28/13. He then took possession of her home and had Ronald Miears move in. He lived there rent-free for the next 14 months. Petitioner was denied access to the property and to his possessions that were there under threat of physical violence. His mother died 10/14/13. Petitioner later obtained his mother's credit report reflecting total indebtedness of \$186,984, including credit cards, mortgage, and a leased vehicle, none of which belonged to her. The report also showed recent inquiries, presumably applications for further credit in her name.

Mr. Kremer states he filed his petition to invalidate the 2013 documents on 1/14/14. On 2/1/14, Kevin Tracy was seen to push Petitioner's vehicle from his mother's garage, where it was stored, into an intersection from where it was impounded by the Fresno Police. Respondent also removed items from the garage which were his personal property.

SEE ADDITIONAL PAGES

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Petitioner states the terms of the settlement were that the house was to be sold and \$20,000 paid immediately to him, and in lieu of additional cash, Mr. Tracy was to deliver certain personal property items to him in good condition. Some were delivered, but others were missing or broken.

Petitioner provides additional information in response to the objection.

Declaration filed 7/22/15 by Lerie Gapasin, office assistant for Attorney Peter Russo, states sometime between 4pm on 7/21/15 and 9am 7/22/15, an envelope was dropped in the mail slot of the office. Postage was on the envelope, but no postal franking. The envelope contained exhibits and an unsigned supplementary declaration of Anton Kremer.

Update: On 8/19/15, Peter Russo, attorney for Kevin Lee Tracy, filed Memorandum of Points and Authorities in Opposition to Petitioner's Motion for Order to Enforce Settlement Agreement. Objector provides history and respectfully asks that the Court dismiss the motion.

DOD: 7/20/13		JOANN DIREDO was appointed Executor with Full IAEA without bond on 7/10/14.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

At the hearing on 7/10/14, the Court set
this status hearing re the filing of the first
account or petition for final distribution.

Note: Final I&A filed 5/29/15 reflects a
total estate value of \$2,550,000
consisting of various real property
interests.

NEEDS/PROBLEMS/COMMENTS:

1. Need first account or petition for
final distribution or written status
report pursuant to Local Rule 7.5.

Reviewed by: skc

Reviewed on: 9/8/15

Updates:

Recommendation:

File 10 - DiRedo

DOD: 5-29-12		LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Page A is Trustee Lori Shibata's Petition for Instructions.
Cont from 111314, 031815, 041615, 052115, 070915		Petitioner states: Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.	Page B is Trustee Lori Shibata's First Account.
	Aff.Sub.Wit.	The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.	Minute Order 7/9/15: Counsel represent that they have been discussing settlement and request 60 days for further resolution.
✓	Verified		
	Inventory		Note: Also on 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
	PTC		
	Not.Cred.		1. Petitioner requests costs. The Court may require clarification or itemization.
✓	Notice of Hrg		
✓	Aff.Mail	W	2. Need order.
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.</p> <p>On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code §16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.</p>	
SEE ADDITIONAL PAGES			

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Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

Petitioner prays for an order:

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

SEE ADDITIONAL PAGES

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Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

Respondent requests that:

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

Atty Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)
Atty Knudson, David N. (for Alyssa Lee – Beneficiary – Objector)

First Account Current and Report of Trustee, Petition for Trustee Fee and for Settlement of First Account Current

DOD: 5/29/12	LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order 7/9/15: Counsel represent that they have been discussing settlement and request 60 days for further resolution.
Cont from 041615, 052115, 070915	Account period: 5/29/12 -12/31/14	Note: Also on 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
	Accounting: \$222,217.13 Beginning POH: \$217,835.61 Ending POH: \$153,215.26 (\$13,215.26 cash plus residential real property valued at \$140,000.00)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Trustee fee: \$3,870.00	
<input type="checkbox"/> PTC	Petitioner has been paid \$5,185.20 for services through 12-31-13 and requests \$3,870.00 for services from 1/1/14 through 12/31/14.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Trustee reimbursement: \$428.94	
<input checked="" type="checkbox"/> Aff.Mail	Exhibit B-2 itemizes expenses including bills, travel, services. Receipts also attached.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Petitioner states she has made disbursements for the maintenance of the residence owned by the trust and for the support and maintenance of Alyssa Lee and her minor daughter Ariana. Petitioner, upon taking over as trustee, determined that the real property owned by the trust was not in a condition to be rented to a third party. The cost to repair is approx. \$15,000.00. See inspection report attached. In addition, the sewer is in need of repair to make the real property habitable, which additional cost is \$1,200-\$1,400.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202	Rent would likely be approx. \$950/month. With the cost of property taxes, insurance, manager, yard care, and general maintenance, and health insurance premiums, there would not be sufficient funds to provide for the support and maintenance of the beneficiary and her minor child. See breakdown. The decedent intended that income to the trust was to be used to provide for Alyssa Lee until she was 35. Decedent as trustor authorized the invasion of principal (i.e., the sale of the residence) to accomplish this goal. The primary goal was not to allow Alyssa to live in the house, but to provide income until she reached 35.	
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 9/4/15
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 11B- Lee
SEE PAGE 2		

Page 2

Petitioner states she has delivered all personal property to Alyssa Lee as requested, and is unaware of any other personal property referred to by Alyssa Lee. Petitioner has responded to requests for "missing property" on numerous occasions and has advised her that there is no other personal property and nothing has been removed from the home other than the items taken by Alyssa Lee and her mother and brother. Petitioner has responded to Alyssa Lee's inquiries re the truck on several occasions. See Exhibits D-1 and D-2 which show the transfer of the truck to the decedent's parents.

The decedent withdrew money from his checking account prior to his death and delivered the cash to his father. At the time, there was no written instruction as to the disposition of the cash. Therefore, upon his death, his father delivered the cash to Petitioner to deposit to the trust.

Petitioner prays for an order as follows:

- 1. Approving, allowing, and settling the First Account;**
- 2. Authorizing the trustee fees and reimbursement;**
- 3. For such other and further relief as the Court considers proper.**

Objections filed 5-7-15 by Alyssa Lee, Beneficiary, state the primary asset of the trust is the residence on Ellery in Fresno. From the time of her father's death, Alyssa has repeatedly requested that the house be retained for her eventual use and benefit, but the trustee has rejected those claims and assertions, even when provided information and an agreement by beneficiary and other family members to maintain the residence. Twice she has sought to sell the house by giving notice of proposed action; both times Alyssa has objected. Alyssa also objected to the Petition for Instructions, requesting additional information and an accounting. Alyssa now makes the following objections:

1. Trustee's Fees. The trustee's fees as reported and requested are excessive, both fees already paid, and fees for which approval is requested. Objector specifically references travel time, rate of approx. \$70.36/hr, and food purchases for two persons.
2. Attorney's Fees. While Objector acknowledges that the trustee is entitled to representation and advice in administration of the trust, there is no showing that the attorney's fees incurred were for the benefit of the trust and the beneficiary. Given the circumstances and the overall situation of the trust, it appears the trustee is incurring excessive attorney fees that are not in the best interest of the trust or its beneficiaries.

SEE ADDITIONAL PAGES

3. Trustee is not administering the trust in the best interest of the beneficiary and has refused to consider the beneficiary's requests, unilaterally interposing her own will in spite of requests by the beneficiary. Objector believes the Trustee has thwarted and attempted to destroy or remove any memories or links to her father. She was not advised of nor given the opportunity to attend the memorial service; she was not invited to go with the trustee and other family members on a chartered boat trip to dispose of his ashes. See accounting for documentation of funds spent on these events, including boat, luncheon for "Mike's family," limousine service, etc. Various items of jewelry that her father held for in the residence were not given to her, nor has the trustee been accommodating in seeking their return from family members who may have taken them. Prior to his death, Michael Lee was working on remodeling and refurbishing the house. There were various materials, including shelving, flooring, in the house. However, the trustee refused to proceed with any of the work and told Objector and/or Objector's mother that those items would be given away or thrown away. As the materials amounted to a substantial investment, the items were removed and are in storage at Objector's residence to be installed in the Ellery residence.

Objector and her mother also proposed the house be rented to a family member at \$850/month, with the family member to pay for water, garbage, lawn care, but in an email to Objector's mother Elizabeth Rocha-Lee, the trustee displayed a condescending and unyielding attitude. The trustee characterized the proposed rental as sub-par, even though this was an amount determined with reference to deductions for property management fees and other costs based on information provided by the trustee.

Alyssa also presented estimates for repair, which were discarded and discounted by the trustee. Now, after the trust has dissipated more than \$10,000 of available trust cash in carrying costs on the residence, payment of attorney's fees, and trustee's fees for trips back and forth to Fresno, Ms. Shibata now states the trust does not have the money to place the residence in rentable condition. At the time these proposals were made in 2013, there was and would have been sufficient cash to repair the residence with the assistance of the beneficiary and other family members who have an interest in preserving and maintaining it – an interest that the trustee does not share.

Accordingly, the trustee's actions with respect to the residence have not been in the beneficiary's interest, nor consistent with her wishes for preservation of the residence for her eventual long term use and enjoyment.

4. Trustee has been uncommunicative and uncooperative.
- a. In May 2012, the trustee opened an account for Alyssa's benefit, and deposited \$500 into it. However, when Alyssa withdrew the funds for her use, as provided by the terms of the trust, the trustee refused to deposit more funds and then closed the account.
 - b. The trustee persuaded to and did provide Kaiser medical insurance for the beneficiary; however, Alyssa does qualify for Medi-Cal and may determine that private medical insurance is no longer required. Alyssa has a young daughter, who, when born was also covered under Kaiser insurance, however, when that daughter was eligible for Medi-Cal, Alyssa requested that Kaiser for the child be cancelled. The trustee, however, misunderstood and sought to cancel Alyssa's medical insurance.

SEE ADDITIONAL PAGES

- c. Other than paying the premiums on the medical insurance, the only benefit the trustee has provided to Alyssa was paying \$376.83 for a stroller, car seat and pay pen for the infant.
- d. The trustee has committed waste. In various communications, a shed was listed as being at the residence, but when the shed disappeared, she claimed she had no knowledge of it. Decedent was known to have had a number of tools, yet upon his death they could not be found. Alyssa believes Lori Shibata permitted other family members (Mike's siblings and parents) free access to the house.

Prior to his death, the decedent made statements to his wife and daughter that "they took my truck." When asked, Lori Shibata stated the truck had been given to his father or other family members. Now documentation appended to the account indicates the Toyota Tacoma was sold for \$1,000 to Raymond Yee, which Alyssa believes is far less than its fair market value.

Other instances of neglect and waste: the account shows the trustee had to address squatters in the residence. Objector previously advised the trustee that the locks were not working, but she did not replace them. Offers of assistance by Alyssa, her mother, and other family members to look after the residence or assist with its care have been rejected. As a result, it has not generated any income.

- e. The trustee has not satisfactorily explained the "missing \$40,000.00." See Objection for details.
5. Objector states the trust is ambiguous; it was not the decedent's intent that the residence be sold. Also, Article II claims no provision was made for Elizabeth D. Rocha Lee and/or Ramon Lee; however, Article 5a provides that personal effects, automobiles, and personal property are to be distributed to his children. The assets of the trust are to be retained with distributions to Alyssa one half at age 30 and the balance at age 35, however, the trust has generated less than \$100 of income during the last two years. The Trust is also ambiguous at Article V(g) which does not indicate any residual takers.

Accordingly, extrinsic evidence can and should be admitted to determine the trustor's intent in executing the trust document and what he meant to provide for his daughter Alyssa.

Objector requests that her objections be sustained, that the claimed charges be disallowed, that the trustee be surcharged for excessive and unnecessary trustee's fees and attorney's fees, that the request for approval of additional attorney's fees be denied, that the Court admit extrinsic evidence to construe the terms of the trust and the trustor's intent in providing for the beneficiary, that the trustee be instructed to provide additional information and seek additional information concerning the assets described herein, that the trustee be instructed to cooperate with the beneficiary to attempt to implement a plan by which the residence may be maintained to generate income for the beneficiary and ultimately for her use and benefit, and for all other and proper orders.

See also Declaration of Elizabeth Rocha-Lee in support of objections.

Petitioner Ritter, Jarrod (Pro Per – Father)

Attorney Donovan, Katherine (for Cindy Robertson – maternal grandmother/guardian)

Petition for Visitation

Age, 3	JARROD RITTER, father, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: CONTINUED FROM 08/0315
	CINDY ROBERTSON, maternal grandmother, was appointed guardian on 02/13/15. – Served by mail on 04/28/15	
Cont from 051815, 062215, 080315	Minute Order from 02/13/15 states: The Court orders that Mr. Ritter should have reasonable visitation and refers the matter for mediation today at 1:30. Any agreement reached should be submitted to the Court for Approval.	
Aff.Sub.Wit.		
✓ Verified	Guardian and father participated in mediation on 02/23/15.	
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg	Minute Order from status hearing re Mediation on 03/09/15 states: The filed mediation agreement becomes the order of the Court; Jarroed Ritter, father, shall have supervised visits every other Saturday from noon to 5pm starting 03/14/15, and every other Wednesday from noon to 5pm starting 03/18/15, supervised by Michael Ritter or Israel Winslow. Mr. Ritter and the supervisor will pick-up and return the minor. Parties agree to 24 hour prior notice is the supervisor is unable to make the visitation, and parties may mutually agree to a different day. Additionally, Jarrod Ritter will have Skype visits every Monday at 5pm and every Thursday at 7pm for no more than 10 minutes.	
✓ Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp	Petition for Visitation filed 04/07/15 by Jarrod Ritter states: [see file for details].	
Objections		
Video Receipt	Court Investigator Dina Calvillo filed a report on 06/17/15.	
✓ CI Report	Guardian's Response and Objection to Father's Petition to Modify Visitation Orders filed 09/01/15 by Cindy Robertson (guardian) states: [see file for details].	
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/08/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 – Robertson

13 Reuben Nelson (Estate) Case No. 15CEPR00376**Atty Walters, Jennifer L. (for Frank Underwood – Petitioner - Friend)****Petition for Letters of Administration; Authorization to Administer Under IAEA**

DOD: 05/26/2005		FRANK UNDERWOOD , friend, is petitioner and requests appointment as Administrator without bond and all funds received be placed in a blocked account. Limited IAEA – o.k. Decedent died intestate Residence: Fresno Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$175,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner is also the petitioner on Page #14. Decedent, Reuben Nelson, is the father of the Decedent, Susan Nelson, on page #14. Minute Order of 08/06/2015: Charles Nelson was served in court by Jennifer Walters. The Court continues the matter for objections to be filed. Objections need to be filed in a timely manner and noticed to parties. As of 09/04/2015, no objections have been filed. 1. The only assets of the estate listed in the petition is personal property in the amount of \$175,000, however, the Declaration In Support of Petition for Letters of Administration filed 08/04/2015 asserts that upon the sale of real property the funds would be placed into a blocked account. Does the estate consist of only real property? Need clarification. Note: Petition requests limited authority. Any sale of real property must be Court confirmed. Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> • Thursday, February 11, 2016 for filing the Inventory and Appraisal • Thursday November 10, 2016 for filing the first account or petition for final distribution. If proper items are on file prior to the filing dates pursuant to local rules, the status dates may come off calendar.	
Cont. from 052115, 070215, 080615				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			x
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LV Reviewed on: 09/04/2015 Updates: Recommendation: File 13 - Nelson	

14 Susan Nelson (Estate)**Case No. 15CEPR00377****Atty Walters, Jennifer L. (for Frank Underwood – Petitioner)****Petition for Probate of Will and for Letters Testamentary: Authorization to Administer Under the Independent Administration of Estates Act**

DOD: 03/28/2015		FRANK UNDERWOOD , friend, is petitioner and requests appointment as Administrator with will annexed without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 052115, 070215, 080615		Full IAEA – o.k.	<p>Minute Order of 08/06/2015: Charles Nelson was served in court by Jennifer Walters. The Court continues the matter for objections to be filed. Objections need to be filed in a timely manner and noticed to parties.</p> <p>As of 09/04/2015, no objections have been filed.</p> <p>1. Need waiver of bond from Charlie Nelson (brother) or bond in the amount of \$161,000.00.</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Thursday, February 11, 2016 for filing the Inventory and Appraisal Thursday November 10, 2016 for filing the first account or petition for final distribution. <p>If proper items are on file prior to the filing dates pursuant to local rules, the status dates may come off calendar.</p>
✓	Proof of Holographic Inst.	Holographic Will dated: 06/16/2000	
✓	Verified	Residence: Fresno Publication: The Business Journal	
	Inventory	Estimated value of the Estate: Personal property - \$1,000.00 Real property - \$160,000.00 Total - \$161,000.00	
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Probate Referee: Rick Smith	
✓	Aff.Mail	w/	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 09/04/2015
			Updates:
			Recommendation:
			File 14 - Nelson

15A Diego Moises Argueta Pineda (GUARD/P) Case No. 15CEPR00514**Attorney Avila-Gomez, Santiago (of Sacramento, CA, for Minor Petitioner Diego Moises Argueta Pineda)****Motion for Specific Factual Findings Regarding "Special Immigrant Juvenile" Status**

See petition for details.			NEEDS/PROBLEMS/COMMENTS: Page B is the Petition for Appointment of Guardian of the Person. <u>Minute Order 7/16/15:</u> The Court is prepared to approve this motion; counsel is to submit an order. <u>Note:</u> A proposed order (Form GC-224) has now been submitted.
Cont. from 071615			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/4/15
			Updates:
			Recommendation:
			File 15A – Pineda

15A

15B
Attorney

Diego Moises Argueta Pineda (GUARD/P) Case No. 15CEPR00514
Avila-Gomez, Santiago (of Sacramento, CA, for Minor Petitioner Diego Moises Argueta Pineda)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

			See petition for details.	NEEDS/PROBLEMS/ COMMENTS:
Cont. from 071615				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7/14/15	
			Updates:	
			Recommendation:	
			File 15B – Pineda	

15B

Attorney Teixeira, J. Stanley (for Petitioner James M. Highsmith)

**Petition for Probate of Will for Letters Testamentary. Authorization to
Administer Under the Independent Administration of Estates Act**

DOD: 4/25/2015		JAMES M. HIGHSMITH , friend and named Executor without bond, is Petitioner. Full IAEA: OK Holographic Will Dated: 1/12/1998 Residence: Fresno Publication: Business Journal	NEEDS/PROBLEMS/COMMENTS: 1. Item 6 and Item 7 of the <i>Petition</i> are not completed as required based upon no spouse or issue having survived the Decedent. Note: If <i>Petition</i> is granted, Court will set Status Hearings as follows: <ul style="list-style-type: none"> • Thursday, February 11, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Thursday, November 17, 2015 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.	
Cont. from				
✓	Aff. Hologr.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/O
✓	Aff.Pub.			
		Estimated value of the Estate: Personal property - \$300,000.00 Total - \$300,000.00		
		Probate Referee: Steven Diebert		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LEG				
Reviewed on: 9/8/15				
Updates:				
Recommendation:				
File 16 – Brooks				

Attorney Vega, Mario D.; Parada, Robert S.; of Los Angeles (for John E. Rogers, Jr.)

**Petition for Letters of Administration; Authorization to Administer
Under the Independent Administration of Estates Act**

DOD: 4/27/2013		<p>JOHN E. ROGERS, JR. was appointed Special Administrator with no IAEA Authority without bond with special powers on 8/13/2015.</p> <p align="center">LETTERS OF SPECIAL ADMINISTRATION EXPIRE ON 9/10/2015</p> <p>JOHN E. ROGERS, JR., [relationship <i>unstated</i>], is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.</p> <p>Limited IAEA — OK</p> <p>Decedent died intestate.</p> <p>Residence — Fresno Publication — Business Journal</p> <p>Estimated value of the Estate: Personal property - \$0.00* <i>*The estate has no assets except for a wrongful death action with regard to Decedent's death.</i></p> <p>Probate Referee: Steven Diebert</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The sole heir of the estate is Decedent's father, MELVIN COOPER, JR., pursuant to Probate Code § 6402; Attorneys NAZARETH HAYSBERT and MILIN CHUN are attorneys with BOUCHER LLP, the law firm involved with the wrongful death lawsuit filed in federal court on behalf of Decedent's estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: <i>Ex Parte Order Appointing Special Administrator</i> filed 8/13/2015 authorizes the Petitioner special powers to pursue wrongful death litigation and to pursue any claims associated with the lawsuit on behalf of the Decedent's estate. <i>Ex Parte</i> Petition indicated that appointment of a special administrator was necessary to avoid dismissal of the initial wrongful death complaint which was filed 4/28/2015 by BOUCHER, LLP, in federal court without anyone having been appointed as administrator of Decedent's estate, and an amended complaint was required by 8/26/2015.</p> <p>1. <i>Petition</i> is silent on the relationship of the Petitioner JOHN E. ROGERS, JR., to the Decedent, and his name and relationship are not listed in Item 8 of the <i>Petition</i>. Attachment 3(f)(2) to the <i>Petition</i> states nominations are expected from next of kin to be on file with the Court prior to the 9/10/2015 hearing, but that the Petitioner is entitled to Letters pursuant to Probate Code § 8461(r). Need additional information regarding Petitioner's entitlement to appointment as administrator.</p> <p align="center">~Please see additional page~</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W/		
✓	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 9/8/15
Updates:
Recommendation:
File 17 – Cooper

NEEDS/PROBLEMS/COMMENTS, continued:

2. Need verified report of the status of the special administration and of the wrongful death lawsuit filed in federal court on behalf of Decedent's estate.

Note Re Notice: *Proof of Service by Mail* of the *Notice of Petition to Administer Estate* filed 8/20/2015 shows notice to the 8 persons listed in Item 8 of the *Petition* was mailed to the same address in Fresno for each person, who are identified as Decedent's father and adult siblings. Given that Decedent's father is the sole heir of the estate at this time, confirmation of the same address as correct for each of the 8 persons who were served with notice of hearing is not requested.

Note Re Bond: *Attachment 3(d)* to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, petition will be required to the Court regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond.

Note Re Future Hearings: Court will set status hearings as follows:

- **Monday, July 11, 2016 (10 months) at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Thursday, May 11, 2017 (20 months) at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Attorney Vega, Mario D.; Parada, Robert S.; of Los Angeles (for John E. Rogers, Jr.)

**Petition for Letters of Administration; Authorization to Administer
Under the Independent Administration of Estates Act**

DOD: 11/10/2013		JOHN E. ROGERS, JR., <i>[relationship unstated]</i> , is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond. Limited IAEA — OK Decedent died intestate. Residence — Fresno Publication — Business Journal Estimated value of the Estate: Personal property - \$0.00* <i>*The estate has no assets except for a wrongful death action with regard to Decedent's death.</i> Probate Referee: Steven Diebert Petitioner states: This estate has no assets and has been opened for the purpose of having a representative to file a wrongful death action with regard to Decedent's death.	NEEDS/PROBLEMS/COMMENTS: 3. <i>Petition is silent on the relationship of the Petitioner JOHN E. ROGERS, JR., to the Decedent, and his name and relationship are not listed in Item 8 of the <i>Petition</i>. Attachment 3(f)(2) to the <i>Petition</i> states nominations are expected from next of kin to be on file with the Court prior to the 9/10/2015 hearing, but that the Petitioner is entitled to Letters pursuant to Probate Code § 8461(r). Need additional information regarding Petitioner's entitlement to appointment as administrator.</i> ~Please see additional page~
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 9/8/15
Updates:
Recommendation:
File 18 – Mendoza

NEEDS/PROBLEMS/COMMENTS, continued:

4. *Proof of Service by Mail of the [Amended] Notice of Petition to Administer Estate* filed 8/20/2015 shows notice to the following persons was C/O another person, in violation of CA Rule of Court 7.51(a)(1) and (2), which provides that notice must be mailed individually and directly to the person entitled to notice, and notice mailed in care of another person is insufficient unless the person entitled to notice is an adult and has directed in writing that the notice be sent in care of the second person:

- Cassidy Ramona Mendoza, C/O Helen Cervantez, legal guardian;
- Ishmeal Pasqual Mendoza, C/O Adelita Montes, mother and legal guardian.

(Note: Proof of Service by Mail of the Notice of Petition to Administer Estate filed 8/7/2015 shows direct notice was mailed to the above-noted persons; however, Item 4 of the notice is incorrectly marked showing petition requests probate of will rather than administration of the estate through intestacy.)

Note Re Bond: Attachment 3(d) to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, petition will be required to the Court regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond.

Note Re Future Hearings: Court will set status hearings as follows:

- **Monday, July 11, 2016 (10 months) at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Thursday, May 11, 2017 (20 months) at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petition for Appointment of Probate Conservator of the Person

		TEMPORARY EXPIRES 9/10/15	NEEDS/PROBLEMS/COMMENTS:
		DEBY CONTRESTANO , niece, is petitioner and requests appointment as conservator of the person.	
Cont. from		Please see petition for details.	
	Aff.Sub.Wit.		
✓	Verified	Court Investigator Report filed on 9/3/15	1. Need Citation.
	Inventory		
	PTC		2. Need proof of personal service of the Citation on proposed conservatee Carmela Main.
	Not.Cred.		
✓	Notice of Hrg		3. Order is incomplete at 18a the name and address of the person being appointed as conservator. Need new order.
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/8/15
			Updates:
			Recommendation:
			File 19 – Main

Pro Per Petitioner Deluca, Denise Rachelle (Pro Per Petitioner)

Petition for Appointment of Temporary Conservator

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p>Request for Dismissal of Temporary Petition <u>only</u> was filed 9/3/2015.</p> <p>General Hearing on Petition for Appointment of Conservator of the Estate remains set for <u>9/30/2015</u>.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/3/15
		Updates:
		Recommendation:
		File 20 – Arceo

Petition for Appointment of Temporary Guardian of the Person

	GENERAL HEARING 11/3/15.		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Desiree Luna (mother) b. Unknown father – unless the court dispenses with notice.
	SARAH MELCHER, maternal grandmother, is petitioner.		
	Please see petition for details.		
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: KT			
Reviewed on: 9/8/15			
Updates:			
Recommendation:			
File 21 – Luna			

22 Athena Rios, Bella Rios, Moses Rios (GUARD/P) Case No. 15CEPR00850

Petitioner Rios, Angelina (pro per – maternal aunt)

Petitioner Suarez, Ezequiel (pro per – maternal uncle)

Petition for Appointment of Temporary Guardian of the Person

Athena, 9	<u>GENERAL HEARING: 11/02/15</u>		NEEDS/PROBLEMS/COMMENTS:
Bella, 7	ANGELICA RIOS and EZEQUIEL SUAREZ, maternal aunt and uncle, are Petitioners.		1. Need <i>Notice of Hearing</i> .
Moses, 5	Father (Athena & Bella): BRANDON CASTILLO		2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
Cont. from	Father (Moses): ESTEVAN VALDIVIA		a. Brandon Castillo (Athena & Bella's father)
<input type="checkbox"/> Aff.Sub.Wit.	Mother: ANDREA RIOS – deceased		b. Estevan Valdivia (Moses' father)
<input checked="" type="checkbox"/> Verified	Paternal grandparents (Athena & Bella): UNKNOWN		
<input type="checkbox"/> Inventory	Paternal grandfather (Moses): JESUS VALDIVIA		
<input type="checkbox"/> PTC	Paternal grandmother (Moses): AGATHA VALDIVIA		
<input type="checkbox"/> Not.Cred.	Maternal grandfather: HERMINIO MERAZ RIOS		
<input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/>	Maternal grandmother: GLORIA PADILLA		
<input type="checkbox"/> Aff.Mail	Petitioners state [see Petition for details].		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv. <input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			Reviewed by: JF
<input type="checkbox"/> Status Rpt			Reviewed on: 09/08/15
<input checked="" type="checkbox"/> UCCJEA			Updates:
<input type="checkbox"/> Citation			Recommendation:
<input type="checkbox"/> FTB Notice			File 22 – Rios

DOD: 05/22/15		RUTH RUGGIERI TYSON , sister, is Petitioner and requests appointment as Administrator with Will Annexed with bond set at \$110,000.00. Petitioner is a resident of Lutz, Florida Full IAEA – OK Will dated 03/02/79 Residence: Fresno Publication: The Business Journal	NEEDS/PROBLEMS/COMMENTS: Note: Bond of \$110,000.00 filed 08/07/15 Note: Status Hearings will be set as follows: <ul style="list-style-type: none"> • Thursday, February 11, 2016 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and • Thursday, November 10, 2016 at 9:00am in Dept. 303 for filing of the First Account and/or Petition for Distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	s/p		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.		Estimated Value of the Estate: Personal property - \$ 20,000.00 Real property - 90,000.00 Total - \$110,000.00 Probate Referee: STEVEN DIEBERT	
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting		Reviewed by: JF Reviewed on: 09/08/15 Updates: Recommendation: SUBMITTED File 23 – Ruggieri	
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		<p>SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.</p> <p>Ms. Stearns was formerly represented by Attorney Sheldon Feigel, who is no longer eligible to practice law. Mr. Rindlisbacher appeared for the conservator on 7-21-14.</p> <p>On 8-13-14, bond of \$50,000.00 was filed. Thereafter, Letters were issued on 8-25-14.</p> <p>At a Status Hearing on 01/29/15, the Court set this matter for a status hearing regarding filing of the Inventory & Appraisal.</p> <p>Order Increasing Bond filed 06/26/15, increased bond to \$373,717.86.</p> <p>Bond of \$373,718.00 filed 09/08/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/03/15</u> Minute Order from 09/03/15 states: Counsel expecting proof of bond from Petitioner any day.</p> <p>1. Need Inventory & Appraisal.</p>
Cont. from 040215, 052815, 062515, 072315, 090315			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 09/08/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24 - Cook</p>	